

REMARKS

This amendment is in response to the Official Action dated February 28, 2006. In this amendment, Claims 23, 31 and 39 have been amended. Claims 23-45 remain in the application with Claims 23, 31 and 39 being the only independent claims. Favorable reconsideration, in view of the above amendments and accompanying remarks, is respectfully requested.

In paragraph 2 of the Official Action, the Examiner has rejected Claims 23, 25, 26, 30, 31, 33, 34, 39, 40, 41, 44 and 45 under the provisions of 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,862,275 to Anger et al. These rejections are respectfully traversed in light of the amendments to the claims.

As amended, Claim 23 now defines the invention as a method for producing a vehicle brake assembly comprising the steps of: providing a drum brake shoe assembly having a pair of brake shoes, the drum brake shoe assembly part of a drum-in-hat parking and emergency brake of a drum-in-hat disc brake assembly; providing a backing plate having a centrally located first aperture formed therein, the backing plate adapted to support a drum brake shoe assembly of a drum-in-hat parking and emergency brake; providing a drum-in-hat adapter formed by subjecting a suitable material to a metal stamp forming process to produce a one piece stamp formed drum-in-hat adapter having an *abutment member* and a pair of ears *formed therewith by the metal stamp forming process*, the one piece stamp formed drum-in-hat adapter having a centrally located second aperture and a plurality of smaller mounting apertures formed therein about the centrally located second aperture thereof, the abutment member protruding from the one piece stamp formed drum-in-hat adapter and including an appropriately shaped profile for directly receiving an associated end of the pair of brake shoes of the drum brake shoe assembly; and securing the drum brake shoe assembly, the backing plate and the drum-in-hat adapter relative to one another. (Emphasis added). None of the cited references, alone or in combination, discloses or suggests such a method for producing a vehicle disc brake assembly as recited in Claim 23.

The reasoning for the Examiner's rejection is found in paragraph 8 of the Official Action where the Examiner states "Anger discloses the adapter 16 being formed by stamping and the abutment member 30 being formed therewith by way of casting" and the "claim language does not specifically include the abutment in the stamping process of the adapter and, thus, does not preclude the abutment member being formed by way of a casting process." To overcome this reasoning by the Examiner and make it clear that Claim 23 requires forming the abutment member in the stamping process of the adapter, Claim 23 has been amended to now recite that the "drum-in-hat adapter [is] formed by subjecting a suitable material to a metal stamp forming process to produce a one piece stamp formed drum-in-hat adapter having an *abutment member* and a pair of ears *formed therewith by the metal stamp forming process*". (Emphasis added). Accordingly, it is believed that Claim 23, along with dependent Claims 24 to 30, are patentable over the cited references.

Claim 31 has been amended to include limitations similar to those recited above in Claim 23. Thus, it is believed that Claim 31, along with dependent Claims 32 to 38, are patentable over the cited references.

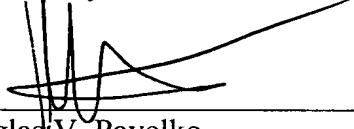
Claim 39 has been amended to include limitations similar to those recited above in Claim 23. Thus, it is believed that Claim 39, along with dependent Claims 40 to 45, are patentable over the cited references.

In paragraph 4 of the Official Action, the Examiner has rejected Claims 24, 27, 28, 32, 35, 36, 38, 42 and 43 under the provisions of 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,862,275 to Anger et al. In paragraph 5 of the Official Action, the Examiner has rejected Claims 29, 37, 30, 38 and 44 under the provisions of 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,862,275 to Anger et al. in view of U.S. Patent No. 5,884,732 to Anger et al. It is believed that these dependent claims are patentable for those reasons discussed above with respect to their associated independent claims.

In paragraph 7 of the Official Action, the Examiner has rejected Claim 45 under the judicially created doctrine of obviousness type double patenting as being unpatentable over Claim 19 of U.S. Patent No. 6,729,444 to Schmandt et al. in view of U.S. Patent No. 5,862,275 to Anger et al. In view of the above amendments to Claim 39, from which Claim 45 depends, it is believed that this rejection is overcome. However, if the Examiner still maintains a double patenting rejection, a terminal disclaimer would be submitted to overcome such a rejection.

In view of the above amendments and accompanying remarks, it is believed that the application is in condition for allowance. However, if the Examiner does not believe that the above remarks and amendments place the application in condition for allowance, or if the Examiner has any comments or suggestions, it is requested that the Examiner contact Applicants' attorney at (419) 255-5900 to discuss the application prior to the issuance of an action in this case by the Examiner.

Respectfully submitted,

  
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